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10/792,175	03/03/2004	Andrea Finke-Anlauff	042933/275300	3770
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER SHRESTHA, KIRAN K	
			ART UNIT 2173	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/792,175

Applicant(s)

FINKE-ANLAUFF ET AL.

Examiner

Kiran K. Shrestha

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-36 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is in response to the amendment filed on July 13, 2007. Claim 3 cancelled and claims 1, 2, 4-35 have been amended and added new claim 36. Thus, claims 1, 2 and 4-36 are currently pending and have been considered below.

#### **Specification**

2. The amendment filed on July 13, 2007 corrected deficiencies in the specification. As noted in paragraph of the March 9, 2007 office action. Therefore, the examiner hereby withdraws the objection. The amendments made to specification filed on July 9, 2007 have been entered.

#### ***Claim Objections***

3. The amendment filed on July 13, 2007 amended claim 17 thereby overcoming the Claim Objections of the March 9, 2007 office action. Therefore, the examiner hereby withdraws the objection of claims 17.

#### ***Claim Rejections - 35 USC § 112***

4. The amendment filed on July 13, 2007 amended claim 1 thereby overcoming the 35 USC 112 first paragraph rejection of the March 9, 2007 office action. Therefore, the examiner hereby withdraws that objection of claim 1.

#### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998);

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*In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims of instant application (10/792175)** 1, 21, 24, and 35 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 5, 7, 11, and 13 of copending Application No. 10/715,162. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason set forth hereinbelow.

Claims of instant application 10/792,175 are essentially the same as claims of copending application 10/715,162 except that the instant application recites "timeline view that is presented in combination with media view and provides access to media files." The copending application has "time bar that divides time segments having a size."

It would have been obvious to a person of ordinary skill in art at the time of the invention was made to display timeline view that combine with media view and media file.

### ***Response to Arguments***

6. Applicant's arguments filed on July 13, 2007, 2007 have been fully considered but they are not persuasive.

The applicant argues that the prior art does not teach or suggest “a timeline view that provides access to at least one digital media file according to periods of time”.

In contrast to the applicant’s argument, **Rothmuller** does teach timeline view (fig. 3) showing adjustable time bands (fig. 3: item 251) can be moved to find all photo within timestamp (fig. 3 and page 8, lines 4-13).

The applicant argues that the prior art does not teach or suggest “a timeline that can be scrolled in order to locate media files”.

In contrast to the applicant’s argument, **Rothmuller** does teach timeline view showing adjustable time bands (fig. 3: item 251) can be moved to find all photo (i. e. media files) within timestamp (fig. 3 and page 8, lines 4-13).

The applicant argues that the prior art does not teach or suggest “individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation “.

In contrast to the applicant’s argument, **Rothmuller** does teach photos displayed in vertical bar, which represent date of the particular periods. (Fig. 3, Fig. 4, page 8, lines 27-31 and page 9, lines 1-14).

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-36 are rejected under 35 U.S.C. 102(b) as being anticipated by **Rothmuller et al.** (**Rothmuller** hereinafter) (International Pub No. WO 02/057959 A2).

**Claim 1:** **Rothmuller** discloses a product for providing access to media files on a digital device, the product comprising a computer readable storage medium; and computer-readable program instructions embodied in the computer-readable storage medium, the computer-readable program instructions comprising: first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media files with a period of time (Fig. 1 and Page 2, Lines 13-19); and second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline (Fig.1, Page 7 lines 27-31 & page 8 lines 1-3) and according to events in the timeline (page 5 lines 18-25).

**Claim 2:** **Rothmuller** discloses the product of claim 1, wherein the first instructions for generating the media view further associate the at least one digital media file with event information (page 6, lines 20-25).

**Claim 4:** **Rothmuller** discloses the product of claim 1, wherein the first instructions associate the least one digital media file with a period of time that is defined by metadata associated with the at least one digital media file (page 7 lines 4-15).

**Claim 5:** Rothmuller discloses the product of claim 1, wherein the first instructions further include instructions for generating title information for the at least one digital media file (page 6 lines 9-13).

**Claim 6:** Rothmuller discloses the product of claim 5, wherein the instructions for generating title information include instructions for displaying, in the media view, the title information in conjunction with the at least one digital media file (page 12 lines 4-9).

**Claim 7:** Rothmuller discloses the product of claim 5, wherein the first instructions for generating title information for the at least one digital media file include instructions for defining the title information by metadata associated with the at least one media file (page 12 lines 4-13).

**Claim 8:** Rothmuller discloses the product of claim 1, wherein the first instructions include instructions for generating group title information for a plurality of digital media files having related metadata information (page 6 lines 9-20).

**Claim 9:** Rothmuller discloses the product of claim 8, wherein the instructions for generating group title information include instructions for displaying, in the media view, the group title information in conjunction with the plurality of digital media files (page 12 lines 4-13).

**Claim 10:** Rothmuller discloses the product of claim 8, wherein the instructions for generating group title information for the plurality of digital media files include instructions for defining the

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group title information by comparable metadata associated with the plurality of digital media files (page 6 lines 3-14).

**Claim 11:** Rothmuller discloses the product of claim 1, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that provides for locating periods of time by scrolling the timeline (Fig. 3, page 7 lines 27-31).

**Claim 12:** Rothmuller discloses the product of claim 11, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that is scrollable in a horizontal manner (Fig. 3, page 7 lines 27-31).

**Claim 13:** Rothmuller discloses the product of claim 11, wherein the second instructions for generating the timeline view include instructions for generating a scrollable timeline that is scrollable in a vertical manner (Fig. 3, page 8 lines 27-31).

**Claim 14:** Rothmuller discloses the product of claim 1, wherein the first instructions for generating the media view include instructions for generating a scrollable media view for locating media files by scrolling the media view (Fig. 1, which shows the time handle/arrows to scroll the time period or media view).



**Claim 15:** Rothmuller discloses the product of claim 14, wherein the first instructions for generating the media view include instructions for generating a scrollable media view that is scrollable in a horizontal manner (Fig. 3, page 7 lines 27-31).

**Claim 16:** Rothmuller discloses the product of claim 14, wherein the first instructions for generating the media view include instructions for generating a scrollable media view that is scrollable in a vertical manner (Fig. 3, page 8 lines 27-31).

**Claim 17:** Rothmuller discloses the product of claim 1, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include instructions for generating a scrollable media view and a scrollable timeline view that provide for locating one or more media files by scrolling (Fig. 1, which shows the time handle/arrows to scroll the time period or media files).

**Claim 18:** Rothmuller discloses the product of claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include instructions for scrolling the media view in a horizontal manner and scrolling the timeline view in a horizontal manner (Fig. 1 and Fig. 3).

**Claim 19:** Rothmuller discloses the product of claim 17, wherein the first instructions for generating the media view and the second instructions for generating a timeline view include

instructions for scrolling the media view in a vertical manner and scrolling the timeline view in a vertical manner (Page 8, lines 27-31 and Page 9, lines 1-14).

**Claim 20:** Rothmuller discloses the product of claim 1, wherein the second instructions for generating a timeline view include instructions for generating a timeline in the form of a time bar (Fig. 1, which shows the time handle/arrows to scroll the time bar or media files).

**Claim 21:** Rothmuller discloses the product of claim 1, wherein the second instructions for generating a timeline view include instructions for generating a time handle that provides for the timeline to be scrolled (Fig. 1 and Fig. 3, which shows the time handle to scroll the time periods).

**Claim 22:** Rothmuller discloses the product of claim 1, further comprising third instructions for searching the media view in terms of a period of time (Fig. 1, which shows the time handle to search the media view in terms of the time periods).

**Claim 23:** Rothmuller discloses the product of claim 1, further comprising third instructions for searching the media view in terms of any combination of metadata information (Fig. 1).

**Claim 24:** Rothmuller discloses the product of claim 1, wherein the first instructions for generating a media view include instructions for adjusting the area of the periods of time within the media view according to the amount of digital media files in the period of time (page 8, lines 14-21).

**Claim 25:** Rothmuller discloses the product of claim 24, wherein the first instructions for adjusting the area of the periods of time include instructions for adjusting the area of the period of time view so that all of the media files within a period of time are viewable within a display (page 8, lines 4-13).

**Claim 26:** Rothmuller discloses a method for digital media management in a digital device, the method comprising: receiving, at the digital device, a digital media file having metadata associated with the digital media file (page 6, lines 20-27); transmitting the file to a media diary application that associates the digital media file with a period in time based on the metadata (Page 4, 16-26); and providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with the period of time (Page 3, lines 1-9).

**Claim 27:** Rothmuller discloses the method of claim 26, further comprising providing the user the ability to locate digital media files within the media view by scrolling a timeline that is displayed in conjunction with the media view (Page 3, lines 1-9 and Fig. 1).

**Claim 28:** Rothmuller discloses the method of claim 26, further comprising providing a user the ability to locate digital media files within the media view by movement of a time handle that is displayed in conjunction with the media view (Fig. 1, which shows the time handle to search the media view in terms of the time periods).

**Claim 29:** Rothmuller discloses a method for defining media file representation in a media view of a media diary application, the method comprising: receiving a media file having associated metadata information (page 6, lines 20-27); determining a manner in which the media file will be represented in a media view of the media diary (Fig. 1); and individually presenting the media file as a media file representation in a date column of the media view in accordance with the determination of the manner of representation (Page 4, lines 16-18).

**Claim 30:** Rothmuller discloses the method of claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of a thumbnail representing the media file (Page 11, lines 12-20).

**Claim 31:** Rothmuller discloses the method of claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a size of the date column within which the representation will reside (Page 8, Lines 27-31).

**Claim 32:** Rothmuller discloses the method of claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining the size of the media view in proportion to the overall viewing area (Page 11, lines 12-20).

**Claim 33:** Rothmuller discloses the method of claim 29, wherein determining the manner in which the media file will be represented in a media view of the media diary further comprises determining a quantity of the media files represented in a date column (Fig. 1, Page 8 lines 27-31 and Page 9 lines 1-3).

**Claim 34:** Rothmuller discloses the method of claim 29, further comprising providing the user the ability to locate a media file within the media view by scrolling the media view (Page 3, lines 1-9).

**Claim 35:** Rothmuller discloses an apparatus comprising: a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising: first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time (Fig. 1 and Page 2, Lines 13-19), and second instructions for generating a timeline view that is presented in combination with the media view and provides access to the at least one digital media file according to periods of time defined in the timeline and according to events represented in the timeline (Fig. 1, Page 7 lines 27-31 & page 8 lines 1-3).

**Claim 36:** Rothmuller discloses an apparatus according to claim 35, further comprising a display in communication with the processing unit that presents, independently, the media view and the timeline view (Fig.1, which shows the combined view of the media view and the timeline view).

***Conclusion***

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111 (c) to consider these references fully when responding to this action. The documents cited therein teach similar storage area network resource management report view for presentation in a graphical user interface.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran K. Shrestha whose telephone number is 571-270-1691. The examiner can normally be reached on Mon- Fri (Alt. Fri Off) 0700-1630 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (571) 272-4048 Art Unit 2173. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.S.

KKS

September 7, 2007

**TADESSE HAILU**  
**Patent Examiner**

